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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 26 November 1945, 1000-1230, Lord Justice Lawrence, presiding.

Dr. SAUTER: (Defense Counsel): May it please the Court, I should like to make an application. I am Dr. Sauter and defend the accused von Ribbentrop. Dated the 30th of October, the accused, von Ribbentrop, requests that his former secretary, Margerita Blank, who at the time was in the prison at Nurnberg, might be made available to him in order that he might make his answer to the indictment and make a complete survey of the way he carried out the duties of his office during the last seven or eight years. He wished to dictate them.

On the 11th of November, 1945, the Tribunal allowed this plea. The accused, von Ribbentrop, thereupon, for a few hours was able to dictate, but this was stopped for reasons, which are unknown to the accused, von Ribbentrop. Ribbentrop has also not received back the notes, which he dictated to his secretary, neither in shorthand nor in typed script; nor has he been able since then to dictate to Fraulein Blank. Ribbentrop then repeated his request on the 15th of November, but Miss Blank has not since then been made available. The accused, von Ribbentrop, therefore, makes the application to the Court that the President be good enough to decree that his former secretary, Margerita Blank, be made available again in order that he might dictate to her as he considers necessary. Such permission seems to be necessary for the orderly preparation of Ribbentrop's defense before his hearing and for the hearing of the defense witnesses.

In the case of Ribbentrop, particularly, the material that is to be treated is so voluminous that no other way of treating it seems possible to us. The accused, von Ribbentrop, has a further request to

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make. He has often asked that some of his former colleagues, in particular, Ambassador Gaus, the Ambassador von Rintelen, Minister von Sonnleitner, Professor Fritz Berber, and the Under Secretary of State Henke might be brought to Nurnberg as witnesses, and that he may be permitted, in the presence of his counsel, to speak to these witnesses. This request has been refused in part by the Court on the 10th of November; for the rest it has not been decided.

It is quite impossible for the accused, von Ribbentrop, considering the question of the whole of foreign policy for the last seven or eight years, to give a clear and exhaustive account of the foreign policy of the last seven or eight years, if nothing is made available to him except a pencil and paper. The White Books of the Foreign Office, for which he has asked, have not been given to him. Von Ribbentrop, considering the voluminous character of the material, which the foreign policy of Germany entailed during the last seven or eight years, cannot possibly remember every single date of the events and the documents, et cetera, simply without any outside aid. If his memory--by means of a discussion with his former colleagues -- could be supported by this, then without this he would find it impossible.

In addition, von Ribbentrop during the last four years has been taking a great many sleeping drops, in particular bromides, and for this reason his memory has suffered considerably. For the investigation of the historical truth in a field, which not only interests the Court, but also the whole of the world, very little would be gained if von Ribbentrop in the course of his hearing would have to declare over and over again he could not remember a great number of details.

Ribbentrop, therefore, replys to the Court and begs that his named colleagues may be brought here and that Ribbentrop receive permission, in order to prepare for the rest of the trial, to discuss the material with them.

THE PRESIDENT: The Tribunal has already intimated to Defendants' Counsel, that all applications should, as far as practicable, be made in writing and they consider that the applications, which have now been

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made orally, should have been made in writing. They will consider the facts with reference to the application in respect to the Defendant Ribbentrop's secretary. The other applications, as to witnesses and documents, which have been made in writing, have been considered or will be considered by the Tribunal.

DR. SAUTER: Mr. President, allow me to make the observation that the applications which I have made today, have often been lodged with the Court in writing, but my client is very anxious lest he should have difficulties in preparing his own hearing.

THE PRESIDENT: As was announced at the sitting on Friday, Counsel for the Prosecution, were to try and arrange with Defendants' Counsel some satisfactory arrangement with reference to the production of documents in the German language. In accordance with that announcement, Counsel for the Prosecution saw Counsel for the Defense, and representatives of the Prosecution and the Defense, appeared before the Tribunal and the Tribunal has provisionally made the following arrangement: First, that in the future, only such parts of documents as are read in Court by the Prosecution, shall in the first instance be part of the record. In that way, those parts of the documents will be conveyed to Defendants' Counsel through the earphones in German. Second, in order that Defendants and their Counsel may have an opportunity to inspecting such documents in their entirety in German, a photostatic copy of the original and one copy thereof shall be deposited in the Defendants' Counsel room at the same time that they are produced in court. Three, the Defendants' Counsel may at any time refer to any other part of such documents. Four, Prosecuting Counsel will furnish Defendants' Counsel with ten copies of their trial briefs in English and five copies of their books of documents in English at the time such briefs and books are furnished to the Tribunal. Five, Defendants' Counsel will be furnished with one copy each of the transcript of the proceedings. That is all.

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THE PRESIDENT: I call upon the prosecuting counsel for the United States.

MR. ALDERMAN: May it please the Tribunal, may I make, Mr. President, one inquiry with reference to your reference to trial briefs.

On my section of the case I shall not expect to hand up to the Court trial briefs. Whatever I have in the nature of trial briefs will be put over the microphone. I wonder if that is satisfactory.

THE PRESIDENT: I think what I said meets that case.

MR. ALDERMAN: I thought so, yes.

THE PRESIDENT: Because what I said was that the defendants' counsel would be furnished with ten copies of the trial briefs in English at the same time that they are furnished to the Tribunal. Therefore, if you don't furnish the trial briefs to the Tribunal none will be furnished to the Defendants' counsel.

MR. ALDERMAN: Yes.

When the Tribunal rose on Friday last, I had just completed an introductory statement preliminary to the presentation of evidence on the aggressive war aspect of the case. In that introductory statement I had invited attention to the parts of the Charter and to the parts of the Indictment which are pertinent to this aspect of the case. I had also discussed the relationship between recorded history and the evidence to be presented, indicating what sort of additions to recorded history would be made by the evidence contained in the captured documents.

I then indicated to the Court that I would first begin by presenting singly a handful of captured documents, which, in our opinion, prove the corpus of the crime of aggressive war, leaving no reasonable doubt concerning the aggressive character of the Nazi war, or concerning the conspiratory premeditation of that war. I indicated to the Tribunal that after proving the corpus of the crime in this way I would follow the presentation of this evidence with a more or less chronological presentation of the case on

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aggressive war, producing evidence in greater detail of the relevant activities of the conspirators from 1933 to 1941.

As the members of the Tribunal may understand, it is easier to make plans about presentation than to keep them. There have been, by necessity, some changes in our plans. I indicated on Friday that to a certain extent the American case under Count 1 and the British case under Count 2 would interlock. The British Chief Prosecutor, Sir Sidney Shallcross, is by force of circumstances required to be in London this week. He expects to be back next week. The intention now is that he will make his opening statement covering Count 2 of the Indictment, and such interrelated parts of Count 1 of the Indictment as have not by then been presented, when he returns on Monday.

So that what is at the moment planned, if it meets with the Court's views, is that I shall continue as far as I may within two days of this week on the detailed story as to aggressive war; that thereupon we shall alter the presentation and present some other matters coming under Count 1. Then, following the British Chief Prosecutor's opening on Monday of next week, we shall continue jointly with the Chapters on Poland, Russia, Japan, as parts of both Counts 1 and Counts 2. While that may not be strictly logical it seems to us the best method to proceed under the circumstances.

I turn now to the period of 1933 to 1936, a period characterized by an orderly, planned sequence of preparation for war. This is the period covered by Paragraphs 1 and 2 of IV(f) of the Indictment. This may be found at Page 7 of the printed English text of the Indictment.

The essential character of this period was the formulation and execution of the plan to rearm and to re-occupy and fortify the Rhineland in violation of the Treaty of Versailles and other treaties in order to acquire military strength and political bargaining power to be

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used against other nations.

Hitler's own eloquence in a secret speech delivered to all supreme commanders on 23 November 1939, at 1200 hours, is sufficient to charactorize this phase of the Nazi conspiracy. This document comes to hand as a captured document found in the OKW files -- OKW is Ober Kommand of the Wehrmacht, the High Command of the Army, Chief of the High Command of the Armed Forces -- and was captured at Flensbeerg. The document is numbered 789-PS in our numbered series of documents.

I have in my hand, if the Court please, the German original of this document in the condition in which it was captured, and I wish to offer the document in evidence and have it given the proper serial number as the United States Prosecutors exhibit. The serial number, I understand, is United States Exhibit 23. I would ask that the German text of the orignal be handed to the interpreters, the German interpreters.

If the Court please, understanding the ruling just made by the presiding justice, although I have offered the entire document, it is a very long speech, and I shall not read into the record the entire speech. Of course the presiding judge said defense counsel may insert any other parts of it as they wish.

I shall begin reading at the beginning, and read a little more than half of the first page in the English text. I am advised that the German original is marked with a blue pencil at the point where I shall stop reading. I will read the English translation:

"November 23, 1939, 1200 hours. Conference with the Fuehrer, to which all Supreme Commanders are ordered. The Fuehrer gives the following speech:

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"The purpose of this conference is to give you an idea of the world of my thoughts, which takes charge of me, in the face of future events, and to tell you my decisions. The building up of our armed forces was only possible in connection with the ideological" -- the German word is "weltanschaulich" -- "education of the German people by the Party."

If I may interpolate just to comment on that interesting German word, weltanschaulich. I take it that ideological is about as close a translation as we can get, but the word means more than that. It means a whole attitude towards the world, the way of looking on the world.

"When I started my political task" -- I am quoting again --" in 1919, my strong belief in final success was based on a thorough observation of the events of the day and the study of the reasons for their occurrence. Therefore, I never lost my belief in the midst of setbacks which were not spared me during my period of struggle. Providence has had the last word and brought me success. On top of that, I had a clear recognition of the probable course of historical events, and the firm will to make brutal decisions. The first decision was in 1919 when I after long internal conflict became a politician and took up the struggle against my enemies. That was the hardest of all decisions. I had, however, the firm belief that I would arrive at my goal. First of all, I desired a new system of selection. I wanted to educate a minority which would take over the leadership. After 15 years I arrived at my goal, after strenuous struggles and many setbacks. When I came to power in 1933, a period of the most difficult struggle lay behind me. Everything existing before that had collapsed. I had to reorganize everything beginning with the mass of the people and extending it to the armed forces. First reorganization of the interior,

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abolishment of appearances of decay and defeatist ideas, education to heroism. While reorganizing the interior, I undertook the second task: to release Germany from its international ties. Two particular characteristics are to be pointed out: secession from the League of Nations and denunciation of the disarmament conference. It was a hard decision. The number of prohets who predicted that it would lead to the occupation of the Rhineland was large, the number of believers was very small. I was supported by the

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nation, which stood firmly behind me, when I carried out my intentions. After that the order for rearmament. Here again there were numerous prophets who predicted misfortunes, and only a few believers. In 1935 the introduction of cumpulsory armed servive. After that militarization of the Rhineland, again a process believed to be impossible at that time. The number of people who put trust in me was very small. Then beginning of the fortification of the whole country especially in the west.

"One year later, Austria came" -- I suppose he meant Austria went -- "this step also was considered doubtful. It brought about a considerable reinforcement of the Reich. The next step was Bohemia, Moravia and Poland. This step also was mot possible to accomplish in one campaign. First of all, the western fortification had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten - German territory. That was only partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate, and with that basis for the action against Poland was laid, but I wasn't quite clear at that time whether I should start first against the east and then in the west, or vice - versa".

There are some curious antitheses of thought in that speech, as in most of Adolf Hitler's speeches. In one sentence he combines guidance by providence with the making of brutal decisions. He constantly speaks of how very few people were with him, and yet the mass of the German people were with him. But he does give a brief summary of the gist of what is contained in the allegations of our Indictment, to which I have invited your attention: The organization of the mass of the people, then extending to the armed forces, and the various brutal decisions that he did make about which history knows.

That long document contains other material of great interest. It may be that we shall advert to other portaions of it later. At this point, however, I have simply asked the Court to focus attention to the matter I have just read and its bearing on the development of the conspiracy during the period 1933 to 1936.

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Another captured document is sufficient to demonstrate the preparations for war in which the Nazi conspirators were engaged during this period. I refer to a top secret letter dated 24 June 1935, from General von Brauchitsch to the Supreme Commanders of the Army, Navy, and Air Forces. Attached to that letter is a copy of a secret Reich's Defense law of 21 may 1935, and a copy of a decision of the Reichcabinet of 21 May 1935 on the council for the defense of the Reich.

These documents were captured in the OKW files at Fechenheim. This group of documents is numbered 2261 -PS in our numbered series of documents. It seems to us one of the most significant evidences of secret and direct preparations for aggressive war.

I gave expression to a typographical error. That was General von Blomberg instead of Brauchitsch.

I have the original of these documents. I ask that they be admitted into evidence as Exhibit, USA, 24.

The top page of that document I shall read in full, which is the letter signed "von Blomberg, Berlin, 24 June 1935,"Top Secret" headed "The Reichs Minister of War and Supreme Commander of the Armed Forces, No. 1820/35 Top Secret L II a."

"To : The Supreme Commander of the Army
The Supreme Commander of the Navy
The Supreme Commander of the Air Forces

"In the appendix I transmit one copy each of the law for the defense of the Reich of the 21 May 1935, and of a decision of the Reich Cabinet of 21 May 1935 concerning the Reich's defense council. The publication of the Reich's defense law is temporarily suspended by order of the Fuehrer and Reich chancellor.

"The Fuehrer and the Reichschancellor has nominated the President of the directorate of the Reichsbank, Dr. Schacht to be 'plenipotentiary - general for war

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economy."

"I request that the copies of the Reich's defense law needed within the units of the armed forces be ordered before 1 July 1935 at armed forces office (L) where it is to be established with the request that the law should only be distributed down to Corps Headquarters outside of the Reich-ministry of war.

"I point out the necessity of strictest secrecy once more."

That is signed by "von Blomberg." Underneath that is an indorsement "Berlin, 3 September 1935; No. 1820/35 L Top Secret II a. To Defense-Economic Group G-3, copy transmitted (signed) Jodl."

There is attached thereto, if the Tribunal please, the statute referred to as the Reich's defense law of 21 May 1935, or rather it was enacted by the Reichscabinet, and it starts with the statement:

" The Reichs Cabinet has enacted the following law that is hereby made public."

There follows a law in detail covering preparations for state of defense, mobilization, appointment of this plenipotiary-general for war eceonomy, with plenipotentiary authority for the economic preparation of the war, and a Part III providing for setting of penalties.

The law is signed "The Fuehrer and Reichschancellor, Adolf Hitler; the Reichsminister of war, von Blomberg; The Reichsminister of the Interior, Flick," one of the defendants. At the bottom of it there is this note. That is on Sheet 4 of the original German, I think:

"Note on the law for the defense of the Reich of 21 May 1935.

"The publication of the law for the defense of the Reich of 21 May 1935 will be suspended. The law became effective 21 May 1935.

"The Fuehrer and Reichschancellor, Adolf Hitler."

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So that although the publication itself stated the law was made public, the publication was suspended by Adolf Hitler; although the law became effective immediately.

There is further attached a copy of the decision of the Reichscabinet of 21 May 1935 on the Council for the Defense of the Realm which deals largely with organization for economic preparation for the war and which I think was discussed by my colleague, Mr. Dodd, last week.

There can be no question that this law of May 1935 was the cornerstone of war preparations of the Nazi conspirators. The relationship of the defendant Schacht to this preparation is made transparently clear by this captured document.

So much, for the time being, on the preparatory phase of the conspiracy, 1933 to 1936.

As indicated earlier, the next phase of aggression was the formulation and execution of plans to attack Austria and Czechoslovakia, in that order. This is the phase of the aggression covered by paragraphs 3(a), (b), and (c) of section IV(F) of the Indictment, appearing at pages seven to eight of the printed English text of the Indictment.

One of the most striking and revealing of all the captured documents which have come to hand is a document which we have come to know as the Hoszbach notes of a conference in the Reichs Chancellery on 5 November 1937 from 1615 to 2030 hours, in the course of which Hitler outlined to those present the possibilities and necessities of expanding their foreign policy, and requested, I quote, "That his statements be looked upon in the case of his death as his last will and testament." And so with this document we shall present to the Tribunal and to the public the last will and testament of Adolph Hitler as he contemplated that last will and testament on 5 November 1937. The document comes to hand through the United States Department of State, and it is authenticated by the seal of the Secretary of State of the United States (indicating). It is numbered Document No. 386-PS in our numbered series of documents. I offer it in evidence as U. S. Exhibit No. 25.

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Before reading it, I note at the start that the recorder of the minutes of this meeting, then Colonel Hoszbach, was the Fuehrer's adjutant. I note also the presence in this conspiratorial meeting of the defendant Erich Raeder. The defendant Constantin von Neurath was present. The defendant Hermann Wilhelm Goering was present. The minutes of this meeting reveal a crystalization towards the end of 1937 in the policy of the Nazi regime. Austria and Czechoslovakia were to be acquired by force. They would provide lebensraum (living room) and improve Germany's military position for further operations. While it is true that actual events unfolded themselves in a somewhat different manner than that outlined at this meeting, in essence the purposes stated at the meeting were carried out. The document destroys any possible doubt concerning the Nazis' premeditation of their crimes against peace. This document is of such tremendous importance that I feel obliged to read it in full into the record.

"Berlin, 10 November 1937. Notes on the conference in the Reichskanzlei on 5 November 1937 from 1615 to 2030 hours.

"Present: The Fuehrer and Reich Chancellor;

"The Reichsminister for War, Generalfeldmarschall v. Blomberg;

"The C-in-C Army, Generaloberst Freiherr v. Fritsch;

"The C-in-C Navy, Generaladmiral Dr. h.c. Raeder;

"The C-in-C Luftwaffe, Generaloberst Goering;

"The Reichsminister for Foreign Affairs Freiherr v. Neutath;

"Oberst Hoszbach (the adjutant who took the minutes).

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"The Fuehrer stated initially that the subject matter of today's conference was of such high importance, that its detailed discussion would certainly in other states take place before the Cabinet in full session. However, he, the Fuehrer, had decided not to discuss this matter in the larger circle of the Reich Cabinet, because of its importance. His subsequent statements were the result of detailed deliberations and of the experiences of his four and a half years in government; he desired to explain to those present his fundamental ideas on the possibilities and necessities of expanding our foreign policy and in the interests of a far-sighted policy he requested that his statements be looked upon in the case of his death as his last will and testament."

The Fuehrer then stated: "The aim of German policy is the security and the preservation of the nation and its propagation. This is consequently a problem of space. The German nation comprises eighty-five million people, which, because of the number of individuals and the compactness of habitation, form a homogeneous European racial body, the like of which can not be found in any other country. On the other hand it justifies the demand for larger living space more than for any other nation. If there have been no political consequences to meet the demands of this racial body for living space then that is the result of historical development spread over several centuries and should this political condition continue to

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exist, it will represent the greatest danger to the preservation of the German nation (the German word used there is not "nation"; it is "Volkstum") at its present high level. An arrest of the deterioration of the German element in Austria and in Czechoslovakia is just as little possible as the preservation of the present state in Germany itself."

I interpolate that I think that is not a good translation of the German because to me the sentence seems meaningless.

"Instead of growth, sterility will be introduced, and as a consequence, tensions of a social nature will appear after a number of years, because political and philosophical ideas are of a permanent nature only as long as they are able to produce the basis for the realization of the actual claim of existence of a nation. The German future is therefore dependent exclusively on the solution of the need for living space. Such a solution can be sought naturally only for a limited period, about one to three generations.

"Before touching upon the question of solving the need for living space, it must be decided whether a solution of the German position with a good future can be attained, either by way of an autarchy or by way of an increased share in universal commerce and industry.

"Autarchy: Execution will be possible only with strict National-Socialist State policy, which is the basis; (that is the basis of autarchy) assuming this can be achieved the results are as follows:

"A. In the sphere of raw materials, only limited, but not total autarchy can be attained:

"1. Wherever coal can be used for the extraction of raw materials autarchy is feasible.

"2. In the case of ores the position is much more difficult. Requirements in iron and light metals can be cored by ourselves. Copper and tin, however, can not.

"3. Cellular materials can be covered by ourselves as long as sufficient wood supplies exist. A permanent solution is not possible.

"4. Edible fats -- possible.

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"B. In the case of foods, the question of an autarchy must be answered with a definite NO.

"The general increase of living standards, compared with thirty to forty years ago, brought about a simultaneous increase of the demand and an increase of personal consumption even among the producers, the farmers, themselves. The proceeds from the production increase in agriculture have been used for covering the increased demand, therefore they represent no absolute increase in production. A further increase in production by making greater demands on the soil is not possible because it already shows signs of deterioration due to the use of artificial fertilizers, and it is therefore certain that, even with the greatest possible increase in production, participation in the world market could not be avoided." I interpolate, that if I understand him he means by that, no autarchy; we must participate in world trade and commerce.

"The considerable expenditure of foreign currency to secure food by import, even in periods when harvests are good, increase catastrophically when the harvest is really poor. The possibility of this catastrophe increases correspondingly to the increase in population, and the annual 560,000 excess in births would bring about an increased consumption in bread, because the child is a greater bread eater than the adult.

"Permanently to counter the difficulties of food supplies by lowering the standard of living and by rationalisation is impossible in a continent which had developed an approximately equivalent standard of living. As the solving of the unemployment problem has brought into effect the complete power of consumption, some small corrections in our agricultural home production will be possible, but not a wholesale alteration of the standard of food consumption. Consequently autarchy becomes impossible, specifically in the sphere of food supplies as well as generally.

"Participation in world economy. There are limits to this which we are unable to transgress. The market fluctuations would be an obstacle to a secure foundation of the German position; international

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commercial agreements do not offer any guarantee for practical execution. It must be considered on principle that since the World War, (1914-18), as industrialization has taken place in countries which formerly exported food. We live in a period of economic empires, in which the tendency to colonies again approaches the condition which originally motivated colonisation; in Japan and Italy economic motives are the basis of their will to expand, and economic need will also drive Germany to it. Countries outside the great economic empires have special difficulties in expanding economically.

"The upward tendency, which has been caused in world economy, due to armament competition, can never form a permanent basis for an economic settlement, and this latter is also hampered by the economic disruption caused by Bolshevism. There is a pronounced military weakness in those states who base their existence on export. As our exports and imports are carried out over those sea lanes which are dominated by Britain, it is more a question of security of transport rather than one

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of foreign currency, and this explains the great weakness in our food situation in wartime. The only way out, and one which may appear imaginary, is the securing of greater living space, an endeavor which at all times has been the cause of the formation of states and of movements of nations. It is explicable that this tendency finds no interest in Geneva and in satisfied states. Should the security of our food situation be our foremost thought, then the space required for this can only be sought in Europe, but we will not copy liberal capitalist policies which rely on exploiting colonies. It is not a case of conquering people, but of conquering agriculturally useful space. It would also be more to the purpose to seek raw material-producing territory in Europe directly adjoining the Reich and not overseas, and this solution would have to be brought into effect for one or two generations. What would be required at a later date over and above this must be left to subsequent generations. The development of great world-wide national bodies is naturally a slow process and the German people, with its strong racial root (I interpolate, there is a German word "Volksstamm", racial root) has for this purpose the most favorable foundations in the heart of the European Continent. The history of all times-- Roman Empire British Empire-- has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable; neither formerly nor today has space been found without an owner; the attacker always comes up against the proprietor.

(Whereupon at 1130 a short recess was taken).

MR. ALDERMAN: May it please the Tribunal, after the somewhat jumbled discussion which I have just read of geopolitical economic theory and of the need for expansion and "Lebensraum", Adolph Hitler, in these

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horse-back notes, posed the question--and I quote:

"The question for Germany is where the greatest possible conquest could be made at lowest cost.

"German politics must reckon with its two hateful enemies, England and France, to whom a strong German colossus in the center of Europe would be intolerable. Both these states would oppose a further reinforcement of Germany, both in Europe and overseas, and in this opposition they would have the support of all parties. Both countries would view the building of German military strong points overseas as a threat to their overseas communications, as a security measure for German commerce, and retrospectively a strengthening of the German position in Europe.

"England is not in a position to cede any of her colonial possessions to us owing to the resistance which she experiences in the Dominions. After the loss of prestige which England has suffered owing to the transfer of Abyssinia to Italian ownership, a return of East Africa can no longer be expected. Any resistance on England's part would at best consist in the readiness to satisfy our colonial claims by taking away colonies which at the present moment are not in British hands, for example, Angola. French favors would probably be of the same nature.

"A serious discussion regarding the return of colonies to us could be considered only at a time when England is in a state of emergency and the German Reich is strong and well armed. The Fuehrer does not share the opinion that the Empire is unshakeable." Meaning, I take it, the British Empire.

"Resistance against the Empire is to be found less in conquered territories than amongst its competitors. The British Empire and the Roman Empire cannot be

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compared with one another in regard to durability; after the Punic Wars the latter did not have a serious political enemy. Only the dissolving effects which originated in Christendom, and the signs of age which creep into all states, made it possible for the Ancient Germans to subjugate Ancient Rome.

"Alongside the British Empire today a number of States exist which are stronger than it. The British Mother Country is able to defend its colonial possession only allied with other states and not by its own power. How could England alone, for example, defend Canada against attack by America, or its Far Eastern interests against an attack by Japan?

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"The singling out of the British Crown as the bearer of Empire unity is in itself an admission that the universal empire cannot be maintained permanently by power politics. The following are significant pointers in this respect:

"(a) Ireland's struggle for independence.

"(b) Constitutional disputes in India where England, by her half measures, left the door open for Indians at a later date to utilize the non-fulfillment of constitutional promises as a weapon against Britain.

"(c) The weakening of the British position in the Far East by Japan.

"(d) The opposition in the Mediterranean to Italy which--by virtue of its history, driven by necessity and led by a genius--expands its power position and must consequently infringe British interests to an increasing extent. The outcome of the Abyssinian War is a loss of prestige for Britain which Italy is endeavoring to increase by stirring up discontent in the Mohammedan World.

"It must be established in conclusion that the Empire cannot be held permanently by power politics by 45 million Britons, in spite of all the solidity of her ideals. The proportion of the populations in the Empire, compared with that of the Motherland, is nine to one, and it should act as a warning to us that if we expand in space, we must not allow the level of our population to become too low." I take it he meant by that: "Keep the population of occupied territories low in comparison with ours."

"France's position is more favorable than that of England. The French Empire is better placed geographically, the population of its colonial possessions represents a potential military increase. But France is faced with difficulties of internal politics. At the present time only 10 per cent approximately of the nations have parliamentary governments, whereas 90 per cent of them have totalitarian governments. Nevertheless, we have to take the following into our political consideration as power factors:

"Britain, France, Russia and the adjoining smaller states.

"The German question can be solved only by way of force, and this is never without risk. The battles of Frederick the Great for Silesia, and Bismarck's wars against Austria and France had been a tremendous risk and the

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speed of Prussian action in 1870 had prevented Austria from participating in the war. If we place the decision to apply force with risk at the head of the following expositions, then there are left to reply to the questions 'when' and 'how'. In this regard we have to decide upon three different cases."

I interpolate: The Tribunal will recall the specific allegation in the Indictment that at this meeting there emerged three different plans, any of which might be utilized.

"Case 1. Period 1943-45: After this we can only expect a change for the worse. The rearming of the Army, the Navy and the Air Force, as well as the formation of the Officers' Corps, are practically concluded."

I remind the Tribunal that this meeting was on 10 November, 1937, but he is contemplating the period 1943-1945.

"Our material equipment and armaments are modern; with further delay the danger of their becoming out-of-date will increase. In particular the secrecy of 'special weapons' cannot always be safeguarded. Enlistment of reserves would be limited to the current recruiting age groups and an addition from older untrained groups would be no longer available.

"In comparison with the rearmament, which will have been carried out at the time by other nations, we shall decrease in relative power. Should we not act until 1943-45, then, dependent on the absence of reserves, any year could bring about the food crisis, for the countering of which we do not possess the necessary foreign currency. This must be considered as a 'point of weakness in the regime.' Over and above that, the world will anticipate

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our action and will increase counter-measures yearly. Whilst other nations isolate themselves we should be forced on the offensive.

"What the actual position would be in the years 1943-45 no one knows today. It is certain, however, that we can wait no longer.

"On the one side the large armed forces, with the necessity for securing their upkeep, the ageing of the Nazi movement and of its leaders, and on the other side the prospect of a lowering of the standard of living and a drop in the birth rate, leaves us no other choice but to act. If the Fuehrer is still living, then it will be his irrevocable decision to solve the German space problem no later than 1943-45. The necessity for action before 1943-45 will come under consideration in cases 2 and 3.

"Case 2. Should the social tensions in France lead to an internal political crisis of such dimensions that it absorbs the French Army and thus renders it incapable for employment in war against Germany, then the time for action against Czechoslovakia has come.

"Case 3. It would be equally possible to act against Czechoslovakia if France should be so tied up by a war against another State that it cannot 'proceed' against Germany.

"For the improvement of our military political position it must be our first aim, in every case of entanglement by war, to conquer Czechoslovakia and Austria, simultaneously, in order to remove any threat from the flanks in case of a possible advance Westwards. In the case of a conflict with France it would hardly be necessary to assume that Czechoslovakia would declare war on the same day as France. However, Czechoslovakia's desire to participate in the war will increase proportionally to the degree to which we are being weakened. Its actual participation could make itself felt by an attack on Silesia, either towards the North or the West.

"Once Czechoslovakia is conquered -- and a mutual frontier, Germany-Hungary is obtained -- then a neutral attitude by Poland in a German-French conflict could more easily be relied upon. Our agreements with Poland remain valid only as long as Germany's strength remains unshakeable; should Germany have any setbacks then an attack by Poland against East Prussia, perhaps also against Pomerania, and Silesia, must be taken into account.

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"Assuming a development of the situation, which would lead to a planned attack on our part in the years 1943 to '45, then the behaviour of France, England, Poland and Russia would probably have to be judged in the following manner:

"The Fuehrer believes personally, that in all probability England and perhaps also France, have already silently written off Czechoslovakia, and that they have got used to the idea that this question would one day be cleaned up by Germany. The difficulties in the British Empire and the prospect of being entangled in another long-drawn-out European War, were decisive factors in the non-participation of England in a war against Germany. The British attitude would certainly not remain without influence on France's attitude. An attack by France, without British support, is hardly probable assuming that its offensive would stagnate along our Western fortifications. Without England's support, it would also not be necessary to take into consideration a march by France through Belgium and Holland, and this would also not have to be reckoned with by us in case of a conflict with France, as in every case it would have as a consequence, the enmity of Great Britain. Naturally we should in every case, have to bar our frontier during the operation of our attacks against Czechoslovakia and Austria. It must be taken into consideration here that Czechoslovakia's defence measures will increase in strength from year to year, and that a consolidation of the inside values of the Austrian Army will also be effected in the course of years. Although the population of Czechoslovakia, in the first place is not a thin one, the embodiment of Czechoslovakia and Austria would nevertheless constitute the conquest of food for five to six million people, on the basis that a compulsory emigration of two million from Czechoslovakia, and of one million from Austria could be carried out. The annexation of the two States to Germany, militarily and politically, would constitute a considerable relief, owing to shorter and better frontiers, the freeing of fighting personnel for other purposes, and the possibility of reconstituting new armies up to a strength of about twelve Divisions, representing a new Division per one million population.

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"No opposition to the removal of Czechoslovakia is expected on the part of Italy; however, it cannot be judged today what would be her attitude in the Austrian question, since it would depend largely on whether the Duce were alive at the time or not.

"The measure and speed of our action would decide Poland's attitude. Poland will have little inclination to enter the war against a victorious Germany, with Russia in the rear.

"Military participation by Russia must be countered by the speed of our

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operations; it is a question whether this needs to be taken into consideration at all, in view of Japan's attitude.

"Should Case 2 occur - paralysation of France by a Civil War - then the situation should be utilised at any time for operations against Czechoslovakia, as Germany's most dangerous enemy would be eliminated.

"The Fuehrer sees Case 3 looming nearer; it could develop from the existing tensions in the Mediterranean, and should it occur, he has firmly decided to make use of it any time, perhaps even as early as 1938.

"Following recent experiences in the course of the events of the war in Spain, the Fuehrer does not see an early end to hostilities there. Taking into consideration the time required for past offensives by Franco, (the English text says France -- it means Franco) a further three years duration of war is within the bounds of possibility. On the other hand, from the German point of view, a one hundred per cent victory by Franco is not desirable; we are more interested in a continuation of the war and preservation of the tensions in the Mediterranean. Should Franco be in sole possession of the Spanish Peninsula, it would mean the end of Italian intervention and the presence of Italy on the Balearic Isles. As our interests are directed towards continuing the war in Spain, it must be the task of our future policy to strengthen Italy in her fight to hold on to the Balearic Isles. However, a solidification of Italian positions on the Balearic Isles can not be tolerated either by France or by England and could lead to a war by France and England against Italy, in which case Spain, if entirely in white (that is Franco's) hands, could participate on the side of Italy's enemies. A subjugation of Italy in such a war appears very unlikely. Additional raw materials could be brought to Italy via Germany. The Fuehrer believes that Italy's military strategy would be to remain on the defensive against France on the Western frontier and carry out operations against France from Libya, against the North African French colonial possessions.

As a landing of French-British troops on the Italian coast can be discounted, and as a French offensive via the Alps to Upper Italy would be

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extremely difficult, and would probably stagnate before the strong Italian fortifications, French lines of communication by the Italian fleet will to a great extent paralyze the transport of fighting personnel from North Africa to France, so that at its frontiers with Italy and Germany, France will have, at its disposal, solely the metropolitan fighting forces."

There again I think that must be a defective English translation. "French lines of communication by the Italian fleet --" must mean "Fresh lines --" or something in that connection.

"If Germany profits from this war by disposing of the Czechoslovakian and the Austrian questions, the probability must be assumed that England -- being at war with Italy -- would not decide to commence operations against Germany. Without British support, a warlike action by France against Germany is not to be anticipated.

"The date of our attack on Czechoslovakia and Austria must be made independent of the course of the Italian-French-English war and would not be simultaneous with the commencement of military operations by these three States. The Fuehrer was also not thinking of military agreements with Italy, but in complete independence and by exploiting this unique favorable opportunity, he wishes to begin to carry out operations against Czechoslovakia. The attack on Czechoslovakia would have to take place with the 'speed of lightning', the German words being, 'blitzartig schnell'.

"Fieldmarshal von Blomberg and Generaloberst von Fritsch in giving their estimate on the situation, repeatedly pointed out that England and France must not appear as our enemies, and they stated that the war with Italy would not bind the French Army to such an extent that it would not be in a position to commence operations on our Western frontier with superior forces. Generaloberst von Fritzch estimated the French forces which would presumably be employed on the Alpine frontier against Italy to be in the region of twenty divisions, so that a strong French superiority would still remain on our Western frontier. The French would, according to German reasoning, attempt to advance into the Rhineland. We should consider the lead which France has got in mobilization, and quite apart from the very small value of our then existing fortifications -- which was

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pointed out particularly by Generalfieldmarshal von Blomberg -- the four motorized divisions which had been laid down for the West would be more or less incapable of movement. With regard to our offensive in a Southeasterly direction, Fieldmarshal von Blomberg drew special attention to the strength of the Czechoslovakian fortifications, the building of which had assumed the character of a Maginot Line and which would present extreme difficulti... to our attack.

"Generaloberst von Fritsch mentioned that it was the purpose of a stud... which he had laid on for this winter to investigate the possibilities of carrying out operations against Czechoslovakia with special consideration of the conquest of the Czechoslovakian system of fortifications; the Generaloberst also stated that owing to the prevailing conditions, he would have to relinquish his leave abroad, which was to begin on the 10 November. This intention was countermanded by the Fuehrer, who gave as a reason that the possibility of the conflict was not to be regarded as being so imminent. In reply to statements by Generalfieldmarshal von Blomberg and Generaloberst von Fritsch regarding England and France's attitude, the Fuehrer repeated his previous statements and said that he was convinced of Britain's non-participation and that consequently he did not believe in military action by France against Germany. Should the Mediterranean conflict, already mentioned, lead to a general mobilization in Europe, then we should have to commence operations

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against Czechoslovakia immediately. If, however, the powers who are not participating in the war should declare their disinterestedness, then Germany would. for thetime being, have to side with this attitude.

"In view of the information given by the Fuhrer, Generaloberst Goering considered it imperative to think of a reduction or abandonment of our military undertaking in Spain, The Fuehrer agreed to this, insofar as he believed this decision should be postponed for a suitable date.

"The second part of the discussion concerned material armament questions.

"(Signed) Hoszbach", and there are other notations.

In this connection I invite the Court's attention to the allegation in Paragraph 3 (a) of Section IV F of the Indictment, on page 7 of the printed English text, relating to a meeting of an influential group of Nazi conspirators on November 1937, the document just introduced and read into evidence is the specific evidentiary support for that allegation.

The record of what happened thereafter is well-known to history. The Anschluss with Austria, under military pressure from the Nazis, occurred in March 1938. We shall give you detailed evidence concerning that in due course. So will we, as to details of the aggression against Czechoslovakia, including the pressure on Czechoslovakia that resulted in the Munich Pact of September 1938, and the violation of that Pact itself by Germany, on March 15, 1939. There is much of interest in the secret documents relating to those aggressions.

At this point, however, I desire to bring to the attention of the Tribunal one more captured document, which reveals in all its nakedness the truth concerning the deliberateness of the aggressions against Czechoslovakia. This document consists of a file kept by Colonel Schmundt, Hitler's adjutant. The file was found by one of the units of the 327 Glider Infantry, in a cellar of the Platterhof, Ober-Salzburg, near Berchtesgaden. The file represents a work-file of originals and duplicates, incidental to the preparations for the

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annexation of Czechoslovakia. I should like to ask the Tribunal to examine, particularly, the photostat of the original German of this file. We have copies of those photostats. Something in physical form is lost in transcribing a translation. The picture of the original file, including pictures of the telegrams, give a sense of the reality of the evidence that is lost in the transcribed translation. The file is numbered Document No. 388 PS, in our numbered series of documents.

I thought perhaps I might read the German title. It is "Grundlagen zur Studie Gruen", that is the main plan for "Case Green", Green being a codeword for the aggression against Czechslovakia.

I offer the entire file in evidence as Exhibit U.S.A. 26 and will ask that photostats be passed up to the Court. I offer the file, if the Tribunal please, with, of course, the understanding and realization that only such parts of it as I read of it will immediately go into evidence; but we shall refer to other parts from time to time later, in the presentation of the case. The matefial in this file will be dealt with in greater detail at a later point in my presentation. However, at this point, I desire to call attention to Item No. 2 in the file.

Item No. 2 is dated 22 April 1938. It is the second sheet of the English translation. It is a summary, prepared by Schmundt, the adjutant, of a discussion on 21 April, 1938 between Hitler and the defendant Wilhelm Keitel. This item, like the other items in the file, relates to "Case Green". As I said, "Case Green" was a secret code word for the planned operations against Czechoslovakia. This meeting occurred within approximately one month following the successful annexation of Austria. In the carrying out of the conspiracy, it became necessary to revise the "Plan Green", to take into account the changed attitude, as a result of the bloodless success against Austria. I shall now read Item 2 of this file.

"Berlin, 22 April 1938.

"Bases of the Dissertation on "Gruen."

"Summary of discussion between Fuehrer and General Keitel of 21

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April:

"A. Political Aspect.

"1). Strategic surprise attack out of a clear sky without any cause or possibility of justification has been turned down. As result would be: hostile world opinion which can lead to a critical situation. Such a measure is justified only for the elimination of the last opponent on the mainland.

"2). Action after a time of diplomatic clashes, which gradually come to a crisis and lead to war.

"3). Lightning-swift action as the result of an incident (for example. assassination of German ambassador in connection with an anti-German demonstration.)

"Military Conclusions.

"1). The preparations are to be made for the political possibilities (2 and 3). Case 2 is the undesired one since "Gruen" will have taken security measures.

"2). The loss of time caused by transporting the bulk of the divisions by rail - which is unavailable, but should be cut down as far as possible - must not impede a lightning-swift blow at the time of the action.

"3). 'Separate thrusts' are to be carried out immediately with a view to penetrating the enemy fortification lines at numerous points and in a strategically favorable direction. The thrusts are to be worked out to the smallest detail (knowledge of roads, composition of the columns according to their individual tasks.) Simultaneous attacks by the Army and Air Force.

"The Air Force is to support the individual columns (for example divebombers; sealing off installations at penetration points, hampering the bringing up of

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reserves, destroying signal communications traffic, thereby isolating the garrisons.)

"4). Politically, the first four days of military action are the decisive ones. If there are no effective military successes, a European crisis will certainly arise. Accomplished Facts must prove the senselessness of foreign military intervention, draw Allies into the scheme (division of spoils) and demoralize 'Gruen."

"Therefore: bridging the time gap between first penetration and employment of the forces to be brought up, by a determined and ruthless thrust by a motorized army. (e.g. via Pilsen, Prague.)

"5). If possible, separation of transport movement 'Rot' from 'Gruen'." 'Rot' was the code name for their then plan against the West. "A simultaneous strategic concentration 'Rot' can lead 'Rot' to undesired measures. On the other hand, it must be possible to put 'Case Rod' into operation at any time.

"C. Propaganda.

"1).Leaflets on the conduct of Germans in Czechoslovakia (Gruenland.)

"2). Leaflets with threats for intimidation of the Czechs (Gruenen).

"(initialled by Schmundt)."

In the reading of this document, the Tribunal doubtless noted particularly Paragrapg 3, under the heading "Political Aspect", which reads as follows:

"Lightening-swift action as the result of an incident (example: Assassination of German ambassador as an up-shot of an anti-German demonstration)." The document as a whole, establishes that the conspirators were planning the reation of an incident to justify to the world their own aggression against Czechoslovakia. It establishes, I submit, that consideration was being given to

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assassinating the German ambassador at Prague to create the requisite incident. This is alleged in Paragraph 3, (c) of Section IV (F) of the Indictment, appearing at Page 8 of the printed English text of the Indictment.

As the Indictment was being read, at the opening of the case, when this particular allegation was reached, the defendent Goering shook his head slowly and solemnly in the negative. I can well understand that he would have shaken his head, if he believed the allegation of the Indictment to be untrue. In the course of Justice Jackson's opening address, when this same matter was referred to, the defendent Goering again solemnly shook his head. On this allegation the Prosecution stands on the evidence just submitted, the denials of the defendent Goering, notwithstanding.

If the Court please, would this be a convenient time to recess?

THE PRESIDENT: The Court will adjourn now until 2 o'clock.

(Whereupon, at 12:30 o'clock p.m. the Tribunal recessed until 2 o'clock p.m. of the same day.)

File copy

Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 26 November, 1945, 1400-1630, Lord Justice Lawrence, presiding.

THE PRESIDENT: Mr. Alderman.

MR. ALDERMAN: May it please the Tribunal, as I suggested earlier, the next phase of the aggression was the formulation and execution of the plan to attack Poland and with the resulting initiation of aggressive war in September 1939. This is covered by paragraph 4 (a) and (b) of Section IV of the indictment appearing on Page 9 of the printed English text.

Here again the careful and meticulous record keeping of the Adjutant Schmundt has provided us with a document in his own handwriting, which lets the cat out of the bag. That may be a troublesome colloquialism to translate. I don't know. The document consists of minutes of a conference held on 23 May '39. The place of the conference was the Fuehrer's Study in the New Reich Chancellery. The Defendant Goering was present.

(The Defendant Frick at this point made a statement in German, which was not translated.)

MR. ALDERMAN: I think one of the defendants indicated I had referred to the wrong year. My notes show 23 May 1939. That is shown by the original document.

THE PRESIDENT: Which document are you referring to?

MR. ALDERMAN: That is document L79. As I said, the Defendant Goering was present. The Defendant Raeder was present. The Defendant Keitel was present. The subject of the meeting was, and I quote: "Indoctrination on the political situation and future aims." This document is of historical importance, second not even to the political will

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and testament of the Fuehrer, recorded by Adjutant Hoszbach.

THE PRESIDENT: Could the Marshal of the Court shut the window which is creating a draft here?

MR. ALDERMAN: The original of this document when captured found its way through the complicated channels across the Atlantic to the United States. There it was found by members of the staff of the American prosecution, by them taken to London, and thence to Nürnberg. The "L" on the identifying number indicates that it is one of the documents which was assembled in London and brought from there here. We think the document is of unquestioned validity. Its authenticity and its accuracy as a record of what transpired at the meeting of 23 May 1939, stands admitted by the Defendant Keitel in one of his interrogations. As I say, the number is document L79 in our numbered series. I offer it in evidence as Exhibit United States 27.

This document also is of such great importance historically and as bearing on the issues now presented to the Tribunal that I feel obliged to read most of it. At the top:

"Top Secret

"To be transmitted by officer only

"Minutes

"of a Conference on 23 May 39

"Place: The Fuehrer's Study, New Reich Chancellery.

"Adjutant on duty: Lt-Col. (G.S.) Schmundt.

"Present: The Fuehrer, Field-Marshal Goering, Grand-Admiral Raeder. Col-Gen. von Brauchitsch, Col-Gen. Keitel, Col-Gen. Milch, Gen. (of Artillery) Halder, Gen. Bodenschatz, Rear-Adml. Schniewindt, Col.(G.S.) Jeschonnek, Col. (G.S.)Warlimont, Lt.-Col. (G.S.)Schmundt, Capt. Engel (Army), Lieut-Commd. Albrecht, Capt. v. Below (Army).

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"Subject: Indoctrination on the political situation and future aims.

"The Fuehrer defined as the purpose of the conference:

"1) Analysis of the situation.

"2) Definition of the tasks for the Armed Forces arising from the situation.

"3) Exposition of the consequences of those tasks.

"4) Ensuring the secrecy of all decisions and work resulting from these consequences.

"Secrecy is the first essential for success.

"The Fuehrer's observations are given in systematised form below.

"Our present situation must be considered from two points of view:

"1) The actual development of events between 1933 and 1939;

"2) The permanent and unchanging situation in which Germany lies.

"In the period 1933-1939, progress was made in all fields. Our military situation improved enormously.

"Our situation with regard to the rest of the world has remained the same.

"Germany had dropped from the circle of Great Powers. The balance of power had been effected without the participation of Germany.

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"This equilibrium is disturbed when Germany's demands for the necessities of life make themselves felt, and Germany re-emerges as a Great Power. All demands are regarded as 'Encroachments'. The English are more afraid of dangers in the economic sphere than of the simple threat of force.

"A mass of 80 million people has solved the ideological problems. So, too, must the economic problems be solved. No German can evade the creation of the necessary economic conditions for this. The solution of the problems demands courage. The principle, by which one evades solving the problem by adapting oneself to circumstances, is inadmissible. Circumstances must rather be adapted to aims. This is impossible without invasion of foreign states or attacks upon foreign property.

"Living space, in proportion to the magnitude of the state, is the basis of all power. One may refuse for a time to face the problem, but finally it is solved one way or the other. The choice is between advancement or decline. In 15 or 20 years' time we shall be compelled to find a solution. No German statesman can evade the question longer than that.

"We are at present in a state of patriotic fervour, which is shared by two other nations: Italy and Japan.

"The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims.

"After 6 years, the situation is today as follows:

"The national-political unity of the Germans has been achieved, apart from minor exceptions."--I suppose they were those in the concentration camps-- "Further successes cannot be attained without the shedding of blood.

"The demarkation of frontiers is of military importance.

"The Pole is no 'supplementary enemy'. Poland will always be on the side of our adversaries. In spite of treaties of friendship, Poland has always had the secret intention of exploiting every opportunity to do us harm.

"Danzig is not the subject of the dispute at all. It is a question of expanding our living space in the East and of securing our food supplies, of the settlement of the Baltic problem. Food supplies can be expected only from

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thinly populated areas. Over and above the natural fertility, thoroughgoing German exploitation will enormously increase the surplus.

"There is no other possibility for Europe.

"Colonies: Beware of gifts of colonial territory. This does not solve the food problem. Remember - blockade.

"If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. Upon record harvests we shall be able to rely even less in time of war than in peace.

"The population of non-German areas will perform no military service, and will be available as a source of labour.

"The Polish problem is inseparable from conflict with the West.

"Poland's internal power of resistance to Bolshevism is doubtful. Thus Poland is of doubtful value as a barrier against Russia.

"It is questionable whether military success in the West can be achieved by a quick decision, questionable too is the attitude of Poland.

"The Polish government will not resist pressure from Russia. Poland sees danger in a German victory in the West, and will attempt to rob us of the victory.

"There is therefore no question of sparing Poland, and we are left with the decision:

"To attack Poland at the first suitable opportunity".

That, if the Court please, is underscored in the original German text.

"We cannot expect a repitition of the Czech affair. There will be war. Our task is to isolate Poland. The success of the isolation will be decisive.

"Therefore, the Fuehrer must reserve the right to give the final order to attack. There must be no simultaneous conflict with the Western Powers (France and England).

"If it is not certain that a German-Polish conflict will not lead to war in the West, then the fight must be primarily against England and France.

"Fundamentally therefore: Conflict with Poland - beginning with an attack on Poland - will only be successful if the Western Powers keep out of it. If this is impossible, then it will be better to attack in the West and to settle Poland at the same time.

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"The isolation of Poland is a matter of skillful politics.

"Japan is a weighty problem. Even if at first for various reasons her collaboration with us appears to be somewhat cool and restricted, it is nevertheless in Japan's own interest to take the initiative in attacking Russia in good time.

"Economic relations with Russia are possible only if political relations have improved. A cautious trent is apparent in Press comment. It is not impossible that Russia will show herself to be disinterested

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in the destruction of Poland. Should Russia take steps to oppose us, our relations with Japan may become closer.

"If there were an alliance of France, England and Russia against Germany, Italy and Japan, I would be constrained to attack England and France with a few annihilating blows. The Fuehrer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England sees in our development the foundation of a hegemony which would weaken England. England is therefore our enemy, and the conflict with England will be a life-and-death struggle.

"What will this struggle be like?"

It is underscored in the German original.

"England cannot deal with Germany and subjugate us with a few powerful blows. It is imperative for England that the war should be brought as near to the Ruhr basin as possible. French blood will not be spared (West Wall). The possession of the Ruhr basin will determine the duration of our resistance.

"The Dutch and Belgium air bases will be occupied by armed forces. Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications in order finally to force them into cooperation.

"Albeit under protest, Belgium and Holland will yield to pressure.

"Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing a new defense line on Dutch soil up to the Zuider Zee.

"The war with England and France will be a life-and-death struggle.

"The idea that we can get off cheaply is dangerous; there is no such possibility. We must burn our boats, and it is no longer a question of justice or injustice, but of life or death for 80 million human beings.

"Question: Short or long war?

"Every country's armed forces or government must aim at a short

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war. The government, however, must also be prepared for a war of 10-15 years" duration.

"History has always shown that the people have believed that wars would be short. In 1914, the opinion still prevailed that it was impossible to finance a long war. Even today this idea still persists in many minds. But on the contrary, every state will hold out as long as possible, unless it immediately suffers some grave weakening (e.g. Ruhr basin). England has similar weaknesses.

"England knows that to lose a war will mean the end of her world power.

"England is the driving force against Germany. (Literally: England is the motor driving against Germany.)"

I suppose that is the French "force mobile".

"Her strength lies in the following:

"1. The British themselves are proud, courageous, tenacious, firm in resistance and gifted as organisers. They know how to exploit every new development. They have the love of adventure and bravery of the Nordic race. Quality is lowered by dispersal. The German average is higher,

"2. World power in itself. It has been constant for 300 years. Extended by the acquisition of allies, this power is not merely something concrete, but must also be considered as a psychological force embracing the entire world. Add to this immeasurable wealth, with consequential financial credit.

"3. Geopolitical safety and protection by strong sea power and a courageous air force.

"England's weakness:

"If in the World War 1 we had had two battleships and two cruisers more, and if the battle of Jutland had begun in the morning, the British fleet would have been defeated and England brought to her knees. It would have meant the end of this war (that war, I take it). It was formerly not sufficient to defeat the fleet. Landings had to be made in order to defeat England. England could provide her own food supplies. Today that is no longer possible.

H0007-0045

"The moment England's food supply routes are cut, she is forced to capitulate. The import of food and fuel depends on the fleet's protection.

"If the German Air Force attacks English territory, England will not be forced to capitulate in one day. But if the fleet is destroyed immediate capitulation will be the result.

"There is no doubt that a surprise attack can lead to a quick decision. It would be criminal, however, for the government to rely entirely on the element of surprise.

"Experience has shown that surprise may be nullified by:-

1) Disclosure outside the limit of the military circles concerned.

2) Mere chance, which may cause the collapse of the whole enterprise.

3) Human failings.

4) Weather conditions.

"The final date for striking must be fixed well in advance. Beyond that time, the tension cannot be endured for long. It must be borne in mind that weather conditions can render any surprise intervention by Navy and Air Force impossible.

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"This must be regarded as a most unfavorable basis of action.

1) An effort must be made to deal the enemy a significant or the final decisive blow right at the start. Consideration of right and wrong or treaties do not enter into the matter. This will only be possible if we are not involved in a war with England on account of Poland.

2) In addition to the surprise attack, preparation for a long war must be made, while opportunities on the Continent for England are eliminated.

"The army will have to hold positions essential to the Navy and Air Force. If Holland and Belgium are successfully occupied and held, and if France is also defeated, the fundamental conditions for a succesful war against England will have been secured.

"England can then be blockaded from Western France at close quarters by the Air Force, while the Navy with its submarines extend the range of the blockade.

"Consequencies:

"England will not be able to fight on the Continent:

"Daily attacks by the Air Force and Navy will cut all her life-lines:

"Germany will not bleed to death on land.

"Such strategy has been shown to be necessary by World War I and subsequent military operations. World War I is responsible for the following strategic considerations which are imperative:-

"1. With a more powerful Navy at the outbreak of the War, or a wheeling movement by the Army towards the Channel ports, the end would have been different.

"2. A country cannot be brought to defeat by an air force. It is impossible to attack all objectives simultaneously, and the lapse of time of a few minutes would evoke defense countermeasures.

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"3. The unrestricted use of all resources is essential.

"4. Once the Army, in cooperation with the Air Force and Navy, has taken the most important positions, industrial production will cease in flow in to the bottomless pit of the Army's battles, and can be diverted to benefit the Air Force and Navy.

"The Army must, therefore, be capable of taking these positions. Systematic preparation must be made for the attack.

"Study to this end is of the utmost importance.

"The aim will always be to force England to her knees.

"A weapon will only be of decisive importance in winning battles, so long as the enemy does not possess it.

"This applies to gas, submarines and the Air Force. It would be true of the latter, for instance, as long as the English Fleet had no available counter-measures; it will no longer be the case in 1940 and 1941. Against Poland, for example, tanks will be effective, as the Polish Army possesses no counter-measures.

"Where straightforward pressure is no longer considered to be decisive. Its place must be taken by the ele ments of surprise and by masterly handling.

The rest of the document, if the Tribunal please, deals more in detail with military plans and preparations. I think it unnecessary to read further.

The document just read is the evidence which specifically supports the allegations in Paragraph 4 (a) of Section IV (F) of the indictment, appearing on Page 9 of the printed text, relating to the meeting of 23 May 1939. We think it leaves nothing unproved in these allegations.

THE PRESIDENT: Mr. Alderman, perhaps you ought to read the last page and the last five lines, because they refer in terms to one of the defendants.

MR. ALDERMAN: I didn't read these, Mr. President, simply because I am convinced that they are mistranslated in the English

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translation. I will be glad to have them read in the original German.

THE PRESIDENT: Very well, if you are of that opinion.

MR. ALDERMAN: We could get it from the original German.

THE PRESIDENT: You mean that the English translation is wrong?

MR. ALDERMAN: Yes.

THE PRESIDENT: You had better inform us then if it is wrong.

MR. ALDERMAN: Did you have reference to the last paragraph headed "Working principles"?

THE PRESIDENT: Yes, the one after that.

MR. ALDERMAN: Yes. Might I ask that the German interpreter read that, as it can be translated into the other languages. It is on Page 16 of the original.

BY THE INTERPRETER: "Page 16.

"Purpose:

"1. Study of the entire problem.

"2. Study of the events.

"3. Study of the means needed.

"4. Study of the necessary training.

"Men with great powers of imagination and high technical training must belong to the staff, as well as officers with sober sceptic powers of understanding.

"Working principles:

"1. No one is to take part in this who does not have to know of it.

"2. No one can find out more than he must know.

"3. When must the person in question know it at the very latest? No one may know anything before it is necessary that he know it.

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"On Goering's question, the Fuehrer decided that:

a) The armed forces determine what shall be built.

b) In the shipbuilding program, nothing is to be changed.

c) The armament programs are to be modeled on the years 1943 or 1944.

"Schmundt certified this text.

MR ALDERMAN: Mr President, the translation was closer than I had anticipated.

THE PRESIDENT: Yes.

MR ALDERMAN: We think, as I have just said, that this document leaves nothing unproved in those allegations in the indictment. It demonstrates that the nazi conspirators were proceeding in accordance with a plan. It demonstrates the cold-blooded premeditation of the assault on Poland. It demonstrates that the questions concerning Danzig, which the nazis had agitated with Poland as a political pretext, were not true questions, but were false issues, issues agitated to conceal their motive of aggressive expansion for food and lebensraum.

In this presentation of condemning documents, concerning the initiation of war in September 1939, I must bring to the attention of the Tribunal a group of documents concerning an address by Hitler to his chief military commanders, at Obersalzberg, on 22 August 1939, just one week prior to the launching of the attack on Poland.

We have three of these documents, related and constituting a single group. The first one, I do not intend to offer as evidence. The other two, I shall offer.

The reason for that is this: The first of the three documents came into our possession through the medium of an American newspaperman, and purported to be original minutes of this meeting at Obersalzberg, transmitted to this American newspaperman by some other person; and we had no proof of the actual delivery to the intermediary by the person who took the notes. That document, therefore, merely served to alert our prosecution to see if it could find something better, Fortunately, we did get the other two documents, which indicate that Hitler on that day made two speeches,

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perhaps one in the morning, one in the afternoon, as indicated by the original munites, which we captured. By comparison of those two documents with the first document, we conclude that the first document was a slightly garbled merger of the two speeches.

On August 22, 1939, Hitler had called together at Obersalzberg the three supreme commanders of the three branches of the armed forces, as well as the commanding generals, bearing the title "Oberbefehlshabers," Commanders-in-Chief.

I have indicated how, upon discovering this first document, the prosecution set out to find better evidence of what happened on this day. In this the prosecution succeeded. In the files of the OKW at Flensberg, the Oberkommando der Wehrmacht, Chief of the High Command of the Armed Forces, there were uncovered two speeches delivered by Hitler at Obersalzberg, on 22 August 1939. These are numbered documents, Numbers 798 PS and 1014 PS, in our series of documents.

In order to keep serial numbers consecutive, if the Tribunal please, we have had the first document, which I do not intend to offer, marked for identification EXHIBIT USA 28 For Identification. Accordingly, I offer the second document, 798 PS in evidence as EXHIBIT USA 29; and the third document, 1014 PS as EXHIBIT USA 30.

These are, again, especially the first one, rather lengthy speeches, and I shall not necessarily read the entire speech.

Reading from 798 PS, which is USA EXHIBIT 29, the Fuehrer speaks to the Commanders in Chief on 22 August 1939.

THE PRESIDENT: Is there anything to show where the speech took place?

MR ALDERMAN: Obersalzberg.

THE PRESIDENT: How do you show that?

MR ALDERMAN: You mean on the document?

THE PRESIDENT: Yes.

MR ALDERMAN: I am afraid the indication "Obersalzberg," came from the first document which I have not offered in evidence. I have no doubt that the defendants will admit that Obersalzberg was the place of this speech.

The place is not significant; it is the time.

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THE PRESIDENT: Very well.

MR ALDERMAN: (Reading) "I have called you together to give you a picture of the political situation, in order that you may have insight into the individual element on which I base my decision to act, and in order to strengthen your confidence. After this, we will discuss militray details.

"It was clear to me that a confict with Poland had to come sooner or later. I had already made this decision in Spring." (I interpolate, I think he is there referring to the May document, which I have already read, L-79.) "But I thought I would first turn against the West in a few years, and only afterwards against the East. But the sequence cannot be fixed. One cannot close one's eyes even before a threatening situation. I wanted to establish an acceptable relationship with Poland, in order to fight first against the West, but this plan which was agreeable to me could not be executed, since essential points have changed.

"It became clear to me that Poland would attack us, in case of a conflict in the West.

"Poland wants access to the sea.

"The further development became obvious after the occupation of the Memel region, and it became clear to me that under the circumstances a conflict with Poland could arise at an unopportune moment.

"I enumerate as reasons for this reflection, first of all, two personal

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constitions (Isuppose he means "personalities." That probably is an inapt translation), my own personality, and that of Mussolini. Essentially, it depends on me, my existence, because of my political activity. (I interpolate: to comment on the tremendous significance of the fact of a war which engulfed almost the whole world, dependings on one man's personality.)

"Furthermore, the fact that probable no one will ever again have the confidence of the whole German people as I do. There will probably never again be a man in the future with more authority. My existence is, therefore, a factorof great value. But I can be eliminated at any time by a criminal or an idiot.

"The second personal factor is Il Duce. His existence is also decisive. If something happens to him, Italy's loyalty to the alliance will no longer be certain. The basic attitude of the Italian Court is against the Duce. Above all, the Court sees in the expansion of the empire a burden. The Duce is the man with the strongest nerves in Italy.

v "The third factor, favorable for us is France. We can ask only benevolent neutrality from Spain, but this depends on Franco's personality He guarantees a certain uniformity and steadiness of the present system in Spain. We must take into account the fact that Spain does not as yet have a facist Party of our internal unity.

"On the other side ,a negative picture, as far as decisive personalities are concerned. There is no outstanding personality in England of France. (I interpolate: I think Adolf Hitler must have overlooked one in England , perhaps many.)

(Mr Alderman continues:)

"For us it is easy to make decisions. We have nothing to lose:we can only gain. Our econmic situation is such, because of our restrictions, that we cannot hold out more than a few years. Goering can confirm this. We have no other choice; we must act. Our opponents risk much and gain only little. Englans's stake in a war is unimaginably great. Our enemies have men who are below average. No personalities, no masters, no men of action.

I interpolate again. Perhaps that last sentence explains what he

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(Mr Alderman continues:)

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I interpolate again. Perhaps that last sentence explains what he

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meant by no personalities -- no masters having authority thst he had over his nation.

"Besides the personal factor, the political situation is favorable for us,; in the Mediterranean rivalry amont to Italy, France, and England; in the Orient tension, which leads to the alarming of the Mohammedan world.

"The English empire did not emerge from the last war strengthened. From a maritime point of view, nothing was achieved: Conflict between Englan and Ireland, the south African Union became more independent, concessions had to be made to India, England is in great danger, unhealthy industries . A British statesman can look into the future only with concern.

"France's position has also deteriorated, particularly in the Mediterranean.

"Further favorable factors for us are these:

"Since Albania there is an equilibrium of power in the Balkans. Yugoslavia carries the germ of collapse because of her internal situation .

"Rumania did not grow stronger. She is liable to attack and vulnerable. She is threatened by Hunary and Bulgaria. Since Kemal's death, Turkey has been ruled by small minds, insteady weak men.

"All these fortunate circumstances will no longer prevail in two to three years. No one knows how long I shall live. Therefore conflict better now.

"The creation of Greater Germany was a great achievement politically but militarily it was questionable, since it was achieved through a bluff of the political leaders. It is necessary to test the military, if at all possible, not by general settlement, but by solving individual tasks.

"The relation to Poland has become unbearable. My Polish policy hitherto was in contrast to the ideas of the people. My propostitions to Polandthe Danzig corridor, were disturbed by England's intervention. Poland changed her tune towards us. The initative cannot be allowed to pass to others. This moment is more favorablethan in two to three years. An attempt on my life or Mussolini's could only change the situation to our disadvantage. One cannot eternally stand opposite one another with cocked rifle. A suggested compromise would have demanded that we change

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our convictions and make agreeable gestures. They talked to us again in the language of Veraailles. There was danger of losing prestige. Now the probability is still great that the West will not interfere. We must accept the risk with reckless resolution. A politician must accept a risk as much as a military leader. We are facing the alternative to strike or to be destroyed with certainty sooner ot later."

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We skip a paragraph, two paragraphs.

"Now it is also a great risk. Iron nerves, iron resolution." A long discussion follows which I think it is unnecessary to read, and then towards the end, I resume: "We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some Schweinehund will make a proposal for mediation." And then the last paragraph of one sentence: "Goering answers with thanks to the Fuehrer and the assurance that the armed forces will do their duty."

I believe I have already offered Exhibit 30, which is a shorter note entitled, "Second Speech by the Fuehrer on 22 August 1939." Reading then from United States Exhibit 30, headed, "Second Speech by the Fuehrer on 22 August 1939:

"It may also turn out differently regarding England and France. One cannot predict it with certainty. I figure on a trade-barrier, not on blockade, and with severance of relations. Most iron determination on our side. Retreat before nothing. Everybody shall have to make a point of it that we were determined from the beginning to fight the Western powers. Struggle for life or death. Germany has won every war as long as she was united. Iron, unflinching attitude of all superiors, greatest confidences, faith in victory, overcoming of the past by getting used to heaviest strain. A long period of peace would not do us any good. Therefore it is necessary to expect everything. Manly bearing. It is not machines that fight each other, but me. We have the better quality of men. Mental factors are decisive. The opposite camp has weaker people. In 1918, the Nation fell down because the mental prerequisites were not sufficient. Frederic the Great secured final success only through his mental power.

"Destruction of Poland in the foreground. The aim is elimination of living forces, not the arrival at a certain line. Even if war should break out in the West, the destruction of Poland shall be the primary objective. Quick decision because of the season.

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"I shall give a propagandistic cause for starting the war, never mind whether it be plausible or not. The victor shall not be asked, later on, whether we told the truth or not. In starting and making a war, not the Right is what matters but Victory.

"Have no pity. Brutal attitude. 80,000,000 people shall get what is their right. Their existence has to be secured. The strongest has the Right. Greatest severity.

"Quick decision necessary. Unshakable faith in the German soldier. A crisis may happen only if the nerves of the leaders give way.

"First aim: advance to the Vistula and Narew. Our technical superiority will break the nerves of the Poles. Every newly created Polish force shall again be broken at once. Constant war of atrition.

"New German frontier according to healthy principle. Possibly a protectorate as a buffer. Military operations shall not be influenced by these reflections. Complete destruction of Poland is the military aim. To be fast is the main thing. Pursuit until complete elimination

"Conviction that the German Wehrmacht is up to the requirements. The start shall be ordered, probably by Saturday morning."

That ends the exhibit. The Tribunal will recall that in fact the start was actually postponed until September 1.

DR. STAHMER: I should like to make a statement or explanation of these last two read documents, both the documents that were read as well as the third that was not read, but however which was taken into consideration, are not recognized by the Defense. In order to avoid the appearance that this objection has been raised without due reason, I should like to justify it as follows: Both the documents that were read contain a number of factual mistakes. They are not signed. Moreover, only one meeting took place, and this is the cause for the lack of precision of the documents. No one in that meeting was commissioned with taking down stenographically the events in the meeting, and since all signatures are lacking, it can not be determined who wrote them or who is responsible for their reliability. The third document that was not read is, according to the photostatic copy in the Defense's

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document room, simply written by typewriter. There is no indication of place nor time.

THE PRESIDENT: Well, we have nothing to do with the third document because it has not been read.

DR. STAHMER: Mr. President, this document has nevertheless been published in the press and was apparently given to the press by the prosecution. Both the defense and the defendants have consequently a lively interest in giving a short explanation of the facts concerning this document.

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THE PRESIDENT: The Tribunal is trying this case in accordance with the evidence and not in accordance with what is in the press, and the third document is not in evidence before us.

MR. ALDERMAN: May it please the Tribunal, I recognize that counsel wonder how these two documents which I have just read are in our hands. They come to us from an authentic source. They are German documents. They were found in the OKW files. If they aren't correct records of what occurred, it surprises us that with the thoroughness with which the Germans kept accurate records, they would have had these records in their OKW files that didn't represent the truth.

THE PRESIDENT: Mr. Alderman, the Tribunal will of course hear what evidence the defendants choose to give with reference to the documents.

MR. ALDERMAN: It has occurred to me in that connection that if any of these defendants have in their possession what is a more correct transcription of what the Fuehrer said on this occasion, the court should consider that. On the other question referred to by counsel, I feel somewhat guilty. It is quite true that by a mechanical slip, the press got the first document, which we never at all intended them to have. I feel somewhat responsible. It happened to be included in the document books that were handed up to the court on Friday, because we had only intended to refer to it and give it an identification mark and not to offer it. I had thought that no documents would be released to the press until they were actually offered in evidence. With as large an organization as we have, it is very difficult to police all those matters.

THE PRESIDENT: Mr. Alderman, the Tribunal would like to know how many of these documents are given to the press.

MR. ALDERMAN: I can't answer that.

COL. STOREY: May it please the Tribunal, it is my understanding that as and when documents are introduced in evidence, then they are made available to the press.

THE PRESIDENT: In what numbers?

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COL. STOREY: I think about 250 copies of each one, about 200 or 250 mimeographed copies.

(Laughter among defendants and counsel.)

THE PRESIDENT: The Tribunal thinks that the defendants' counsel should have copies of these documents before any of them are handed to the press. I mean to say that in preference to gentlemen of the press, the defendants' counsel should have the documents.

COL. STOREY: Your Honor, if it pleases the court, I understand that these gentlemen had the ten documents on Saturday morning or Sunday morning. It had them for 24 hours, copies of the originals of these documents that have been read today, down in the information center.

THE PRESIDENT: I stated, in accordance with the provisional arrangements which was made, and which was made upon your representation, that ten copies of the trial briefs and five copies of the volumes of documents should be given to the defendants' counsel.

COL. STOREY: Sir, I had the receipts that they were deposited at the room.

THE PRESIDENT: Yes, but what I am pointing out to you, Colonel Storey, that if 250 copies of the documents can be given to the press, then the defendants' counsel should not be limited to five copies.

COL. STOREY: If your honor please, the 250 copies are the mimeographed copies in English when they are introduced in evidence. I hold in my hands or in my briefcase here a receipt that the document books and the briefs were delivered 24 hours in advance.

THE PRESIDENT: You don't seem to understand what I am putting to you, which is this: that if you can afford to give 250 copies of the documents in English to the press, you can afford to give more than five copies of the defendants' counsel -- one each.

COL. STOREY: I see your point, your Honor--

THE PRESIDENT: Well, we needn't discuss it further. In the future that will be done.

DR. DIX: May I make the point that of the evidence documents, every defense counsel shall receive one copy and not simply one for several members of the defense.

H0007-0061

THE PRESIDENT: Go on, Mr. Alderman.

MR. ALDERMAN: The aggressive war having been initiated in September, 1939, and Poland having been totally defeated shortly after the initial assaults, the Nazi aggressors converted the war into a general war of aggression extending into Scandinavia, into the Low Countries, and into the Balkans. Under the division of the case between the four chief prosecutors, this aspect of the matter is left to presentation by the British chief prosecutor.

H0007-0062

Another change that we have made in our plan which I perhaps should mention is that following the opening statement by the British chief prosecutor on Count 2, we expect to resume the detailed handling of the latter phases of the aggressive war phase of the case. The British instead of the Americans will deal with the details of the aggression against Poland. Then with this expansion of the war in Europe and as a joint part of the American case under Count 1 and the British case under Count 2, I shall take up the aggression against Russia and the Japanese aggression in detail. So that the remaining two subjects with which I shall ultimately deal in more detail, namely by presentation of significant documents, is the case of the attack on the Union of Socialist Soviet Republics on the 22nd of June 1941, and the case on collaboration between Italy and Japan and Germany and the resulting attack on the United States on the 7th of December, 1941.

As to the case on aggression against the Soviet Union, I shall, at this point, present two documents. The first of these two documents establishes the premeditation and deliberation which preceded the attack. Just as, in the case of aggression against Czechoslovakia, the Nazis had a code name for the secret operation "Case Green", so in the case of aggression in the Soviet Union, they had a code name "Case Barbarossa".

THE PRESIDENT: How do you spell that?

MR. ALDERMAN: B-a-r-b-a-r-o-s-s-a- after Barbarossa of Kaiser Friederich. From the files of the OKW at Flensburg we have a secret directive, Number 21, issued from the Fuehrer's Headquarters on 18 December 1940, relating to Case Barbarossa. This directive is more than six months in advance of the attack. Other evidence will show that the planning occurred even earlier. The document is signed by Hitler and is initialled by the defendant Jodl and the defendant Keitel. This secret order was issued in nine copies. The captured document is the fourth of these nine copies. It is Numbered Document 446 P-S, in our numbered series.

I offer it in evidence as Exhibit U.S.A. 31.

H0007-0063

If the Tribunal please, I think it will be sufficient for me to read the first page of that directive. The first page of the English translation. The paging may be different on the German original.

H0007 -0064

It is headed "The Fuehrer and commander-in-chief of the German Armed Forces" with a number of initials, the meaning of which I do not know, except OKW. It seems to be indicated to go to GK Chiefs, which I suppose to be General Kommando Chiefs. "The Fuehrer's Headquarters, 18 December 1940. Secret. Only through Officer. Nine copies. 4th copy. Directive Number 21, case Barbarossa.

"The German Armed Forces must be prepared to crush Soviet Russia in a quick campaign before the end of the war against England. (Case Barbarossa)

For this purpose the Army will have to employ all available units with the reservation that the occupied territories will have to be safeguarded against surprise attacks.

For the Eastern campaign the Airforce will have to free such strong forces for the support of the Army that a quick completion of the ground operations may be expected and that damage of the eastern German territories will be avoided as much as possible. This concentration of the main effort in the East is limited by the following reservation: That the entire battle and armament area dominated by us must remain sufficiently protected against enemy air attacks and that the attacks on England and especially the supply for them must not be permitted to break down.

Concentration of the main effort of the Navy remains unequivocally against England also during an Eastern campaign.

If occasion arises I will order the concentration of troops for action against Soviet Russia eight weeks before the intended beginning of operations.

Preparations requiring more time to start are - if this has not yet been done - to begin presently and are to be completed by 15 May 1941.

Great caution has to be exercised that the intention of an attack will not be recognized.

The preparations of the High Command are to be made on the following basis:

I. <u>General Purpose</u>:

The mass of the Russian Army is Western Russia is to be destroyed in daring operations by driving forward deep wedges with tanks and the retreat of intact battle-ready troops into the wide spaces of Russia is to be prevented.

H0007-0065

In quick pursuit a (given) line is to be reached from where the Russian Airforce will no longer be able to attack German Reich territory. The first goal of operations is the protection from Asiatic Russian from the general line Volga-Archangelsk. In case of necessity, the last industrial area in the Urals left to Russia could be eliminated by the Luftwaffe.

In the course of these operations the Russian Baltic Sea Fleet will quickly erase its bases and will no longer be ready to fight.

Effective intervention by the Russian Airforce is to be prevented through forceful blows at the beginning of the operations."

Another secret document, captured from the OKW files . . .

THE PRESIDENT: Mr. Alderman, perhaps that would be a convenient time to adjourn for ten minutes.

(The court then, at 3:41 p.m. took a recess)

AFTER RECESS

MR. ALDERMAN: If it please the Tribunal, another secret document captured from the OKW files, we think, establishes the motive for the attack on the Soviet Union. It also establishes the full awareness of the Nazi conspirators of the crimes against humanity which would result from their attack. The document is a memorandum of 2 May, 1941, concerning the results of a discussion on that day with the State Secretaries concerning the Barbarossa. The document will be an issue by a member of the Soviet Staff, about General Thomas, set up to handle the economic exploitation of the territory occupied by the Germans during the course of the aggression against Russia. The document is numbered 2718-PS, and our numbered series of documents are offered in evidence as Exhibit USA 32.

I shall simply read the first two paragraphs of this document, including the introductory matter:

"Matter for Chief; 2 copies; first copy to files la."

The result is known to all of us.

I turn now to the Nazi collaboration with Italy and Japan and the resulting attack on the United States on 7 December, 1941. With the unleashing of the German aggressive war against the Soviet Union in June, 1941, the Nazi conspirators and, in particular, the Defendant Ribbentrop, called upon the

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Eastern co-architect of the New Order, Japan, to attack in the rear. Our evidence will show that they incited and kept in motion a force reasonably calculated

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to result in an attack on the United States. For a time, they maintained their purpose with the preference that the United States not be involved in the conflict, realizing the military implication of an entry of the United States into the War. However, their incitement did result in the attack on Pearl Harbor, and long prior to that attack, they had assured the Japanese that they would declare War on the United States should a United States-Japanese conflict occur. It was in reliance on those assurances that the Japanese struck at Pearl Harbor.

On the present discussion of this phase of the case, I shall offer only one document to prove this point. The document was captured from the files of the German Foreign Office. It consists of notes dated 4 April 1941, signed by "Schmidt," regarding discussions between the Fuehrer and the Japanese Foreign Minister Matsuoka, in the presence of the Defendant Ribbentrop. The document is numbered 1881-PS in our numbered series, and I offer it in evidence as Exhibit USA 33. In the original, it is in very large typewritten form in German. I shall read what I deem to be the pertinent parts of this document, beginning with the four paragraphs, first reading the heading being,

"***second copy to General Schubert, May 2, 1941. Memorandum; About the result of to-day discussion with the State Secretaries about Barbarossa.

"1.) The war can only be continued if all armed forces are fed by Russia in the third year of war.

"2.) There is no doubt that as a result many millions of people will be starved to death if we take out of the country the things necessary for us."

That document has already been commented on and quoted from in Mr. Justice Jackson's opening statement. The

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staggering implications of that document are hard to realize. In the words of the document, the motive for the attack was that the War which the Nazi conspirators had launched in September, 1939, can only be continued if all Armed Forces are fed by Russia in the third year of the War. Perhaps there never was a more sinister sentence written than the sentence in this document which reads:

"There is no doubt that as a result many millions of people will be starved to death if we take out of the country the things necessary for us."

* * * *

"MATSUOKA then also expressed the request, that the FUEHRER should instruct the proper authorities in Germany to meet as broad-mindedly as possible the wishes of the Japanese Military Commission. Japan was in need of German help particularly concerning the U-boat war fare, which could be given by making available to them the latest experiences of the war as well as the latest technical improvements and inventions."

For the record, I am reading on what is page six of the German original.

"Japan would do her utmost to avoid a war with the United States. In case that the country should decide to attack Singapore, the Japanese navy, of course, had to be prepared for a fight with the United States, because in that case America probably would side with Great Britain. He (Matsuoka) personally believed, that the United States could be restrained by diplomatic exertions from entering the war at the side of Great Britain. Army and Navy had, however, to count on the worse situation, that is with war against America. They were of the opinion that such a war would extend for five years or longer and would take the form of

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guerilla warfare in the Pacific and would be fought out in the South Sea. For this reason the German experiences in her guerilla warfare are of the greatest value to Japan. It was a question how such a war would best be conducted and how all the technical improvements of submarines, in all details such as periscopes and such like, could best be exploited by Japan.

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"To sum up, Matsuoka requested that the Fuehrer should see to it that the proper German authorities would place at the disposal of the Japanese these developments and inventions concerning navy and army, which were needed by the Japanese.

"The Fuehrer promised this and pointed out that Germany too considered a conflict with the United States undesirable, but that it had already made allowance for such a contingency. In Germany one was of the opinion that America's contribution depended upon the possibilities of transportation, and that this again is conditioned by the available tonnage. Germany's war against tonnage, however, means a decisive weakening not merely against England, but also against America. Germany has made her preparations so, that no American could land in Europe. She would conduct a most energetic fight against America with her U-boats and her Luftwaffe, and due to her superior experience, which would still have to be acquired by the United States, she would be vastly superior, and that quite apart from the fact, that the German soldier naturally ranks high above the American.

"In the further course of the discussion the Fuehrer pointed out, that Germany on her part would immediately take the consequences, if Japan would get involved with the United States. It did not matter with whom the United States would first get involved if with Germany or with Japan. They would always try to eliminate one country at a time, not to come to an understanding with the other country subsequently. Therefore Germany would strike, as already mentioned, without delay in case of a conflict between Japan and America, because the strength of the tripartite powers lies in their joined action, their weakness would be if they would let themselves be beaten individually.

"Matsuoka once more repeated his request, that the Fuehrer might give the necessary instructions, in order that the proper German authorities would place at thedisposal of the Japanese the latest improvements and inventions, which are of interest to them. Because the Japanese navy had to prepare immediately for a conflict

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with the United States.

"As regards Japanese - American relationship, Matsuoka explained further that he has always declared in his country, that sooner or later a war with the United States would be unavoidable, if Japan continued to drift along as at present. In his opinion this conflict would happen rather sooner than later. His argumentation went on, why should Japan, therefore, not decisively strike at the right moment and take the

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risk upon herself of a fight against America? Just thus would she perhaps avoid a war for generations, particularly if she gained predominance in the South Seas. There are, to be sure, in Japan many who hesitate to follow those trends of thought. Matsuoka was considered in those circles a dangerous man with dangerous thoughts. He, however, stated that, if Japan continued to walk along her present path, one day she would have to fight anyway and that this would then be under less favorable circumstances than at present.

"The Fuehrer replied that he could well understand the situation of Matsuoka, because he himself was in similar situations (the clearing of the Rhineland, declaration of sovereignty of armed Forces. He too was of the opinion that he had to exploit favorable conditions and accept the risk of an anyhow unavoidable fight at a time when he himself was still young and full of vigor. How right he was in his attitude was proven by events. Europe now was free. He would not hesitate a moment to instantly reply to any widening of the war, be it by Russia, be it by America. Providence favored those who will not let dangers come to them, but who will bravely face them.

"Matsuoka replied, that the United States or rather their ruling politicians had recently still attempted a last manoeuvre towards Japan, by declaring that America would not fight Japan on account of China or the South Seas provided that Japan gave free passage to the consignment of rubber and tin to America to their place of destination. However, America would war against Japan the moment she felt that Japan entered the war with the intention to assist in the destruction of Great Britain. Such an argumentation naturally did not miss its effect upon the Japanese, because of the education oriented on English lines which many had received.

"The Fuehrer commented on this, that this attitude of America did not mean anything but that the United States had the hope, that, as long as the British World Empire existed, one day they could advance against Japan together with Great Britain, whereas, in case of the collapse of the World Empire, they would be totally isolated and

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could not do anything against Japan.

"The Reich Foreign Minister interjected that the Americans precisely under all circumstances wanted to maintain the powerful position of England in East Asia, but that on the other hand it is proved by this attitude, to what extent she fears a joint action of Japan and Germany.

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Maksuoka continued that it seemed to him of importance to give to the Fuehrer an absolutely clear pisture of the real attitude inside Japan. For this reason he also had to inform him regretfully of the fact that he (Matsuoka) in his capacity as Japanese Minister for Foreign Affairs could not utter in Japan himself a single word of all that he had expounded before the Fuehrer and the Reich Foreign Minister regarding his plans. This would cause him serious damage in political and financial circles. Once before, he had committed the mistake, before he became Japanese Minister for Foreign affairs, to tell a close friend something about his intentions. It seems that the latter had spread these things and thus brought about all sorts of rumors, which he as Foreign Minister had to oppose energetically, though as a rule he always tells the truth. Under these circumstances he also could not indicate, how soon he could report on the questions discussed to the Japanese Premier or to the Emperor. He would have to study exactly and carefully in the first place the development in Japan, so as to make his decision at a favorable moment, to make a clear breast of his proper plans towards the Prince KONOYE and the Emperor. Then the decision would have to be made within a few days, because the plans would otherwise be spoiled by talk.

"Should he, Matsuoka, fail to carry out his intentions, that would be proof that he is lacking in influence, in power of conviction, and in tactical capabilities. However, should he succeed, it would prove that he had great influence in Japan. He himself felt confident that he would succeed.

"On his return, being questioned, he would indeed admit to the Emperor, the Premier and the Ministers for the Navy and the Army, that Singapore had been discussed; he would, however, state that it was only on a hypothetical basis.

"Besides this Matsuoka made the express request not to cable in the matter of Singapore because he had reason to fear that by cabling something might leak out. If necessary he would send a courier.

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"The Fuehrer agreed and assured after all, that he could rest entirely assured of German reticence.

"Matsuoka replied he believed indeed in German reticence, but unfortunately could not say the same of Japan.

"The discussion was terminated after the exchange of some personal parting words.

"Berlin, the 4th of April 1941.

"signed; SCHMIDT."

This completes the presentation of what I have called the "handful of selected documents," offered not as a detailed treatment of any of these wars of aggression but merely to prove the deliberate planning, the deliberate premeditation with which each of these aggressions was carried out.

I turn to a more detailed and more or less chronological presentation of the various stages of the aggression.

THE PRESIDENT: The Tribunal will now adjourn until ten o'clock tomorrow.

(Whereupon, at 1645 hours the hearing of the Tribunal adjourned to reconvene at 27 November 1945, at 1000 hours.)